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UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
(Harrisburg Division)

FILED
HARRISBURG, PA

FEB 19 2003

MARY E. D'ANDEA, CLERK
Per Deputy Clerk

UNITED STATES FIDELITY AND
GUARANTY COMPANY,

Plaintiff

v.

BRUCE J. BROWN and BROWN
SCHULTZ SHERIDAN & FRITZ,

Defendants.

CIVIL ACTION NO. 1:01-CV-00813

JUDGE CONNER ✓

**JOINT MOTION FOR A MODIFICATION
OF SCHEDULING ORDER DATED NOVEMBER 6, 2002**

Plaintiff, United States Fidelity and Guaranty Company ("USF&G") and Defendants, Bruce J. Brown and Brown Schultz Sheridan & Fritz (collectively, "Brown Schultz") hereby jointly request that the Court modify the Order dated November 6, 2002 (the "Order") to extend deadlines for the following: deadline for motions in limine; deadline for filing final; pretrial memoranda; final pretrial conference; and trial.¹ A copy of the Order dated November 6, 2002 is attached hereto as Exhibit "A."

In support of this Motion, USF&G and Brown Schultz aver and assert as follows:

1. Several of the expert witnesses designated by both parties live outside of the Northeastern United States. To save expenses for both parties, it was agreed that two depositions

¹ Since a jury trial has not been requested, no extension is sought of the deadlines in the Order relative to "[j]oint jury instructions with objections and proposed voir dire questions" (due on or before April 3, 2003) since such activities are not needed relative to a bench trial. On the other hand, the parties suggest that a deadline as to the filing of motions in limine will assist both the parties and the Court. The Order did not indicate any deadline for filing motions in limine.

would be held in Los Angeles and two in Chicago. Because of both travel concerns and scheduling conflicts involving both experts and counsel, the process of finding and confirming available dates for expert depositions took considerable time and required the parties to schedule such depositions into months later than would otherwise be contemplated under the Order.

2. At present, the parties would like to conduct two (2) expert depositions in Los Angeles on March 11-13, 2003, and two (2) expert depositions in Chicago on April 17 and 18, 2003. Absent amendment of the Order, all four (4) depositions would have to be scheduled prior to April 7, 2003. This would be a hardship for both counsel and experts, particularly because the depositions would have to be completed sufficiently before April 7, 2003 to ensure that deposition transcripts would be available prior to the scheduled commencement of trial.

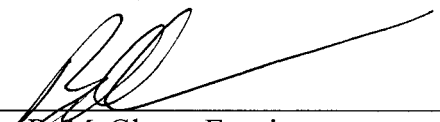
3. The parties suggest that the current case management deadlines be amended as follows:

	<u>Current Deadline</u>	<u>Requested Extension</u>
Motions in Limine Due	N/A	May 9, 2003
Pretrial Memorandum Due	March 12, 2003	May 5, 2003
Final Pretrial Conference	March 19, 2003	May 12 - 16, 2003 (except for May 13, 2003)
Trial	April 7, 2003 (for jury selection) ²	June 3, 2003

² Because the instant case will be a bench trial, empanelment is not necessary. The Order provides, *inter alia*, for trial to "take place in April 2003" with jury selection to commence on April 7, 2003.

WHEREFORE, the parties jointly request that the court enter an order extending the deadlines as set forth above.

Respectfully submitted,
UNITED STATES FIDELITY AND
GUARANTY COMPANY,
By its counsel,

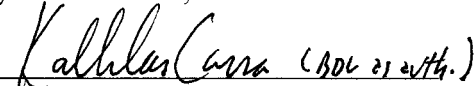


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BROWN SCHULTZ SHERIDAN & FRITZ
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BRUCE J. BROWN,

By their counsel,

 (Doc 21 with.)

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Dated: February 14, 2003
#263060 v1/36432/87

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UNITED STATES FIDELITY AND
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Defendants.


CIVIL ACTION NO. 1:01-CV-00813

JUDGE CONNER

CERTIFICATE OF SERVICE

I, Bruce D. Levin, Esquire, counsel for Plaintiff United States Fidelity & Guaranty, hereby Certify that a copy of the **Joint Motion For A Modification of Scheduling Order Dated November 6, 2002** was served upon the following, via federal express, postage pre-paid on February 10, 2003.

Kathleen Carson, Esquire
Swartz Campbell Detweiler
1601 Market Street
Philadelphia, PA 19103-2316



Bruce D. Levin

Dated: February 14, 2003

#263544 v1/36432/87